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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To amend the Child Nutrition Act of 1966 and the Richard B. Russell National School Lunch Act to eliminate reduced price breakfasts and lunches and to require that the income guidelines for determining eligibility for free breakfasts and free lunches be 200 percent of the poverty-level, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. PORTER introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Child Nutrition Act of 1966 and the Richard B. Russell National School Lunch Act to eliminate reduced price breakfasts and lunches and to require that the income guidelines for determining eligibility for free breakfasts and free lunches be 200 percent of the poverty-level, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) IN GENERAL.—This Act may be cited as the “Ex-
3 panding Access to School Meals Act of 2023”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act are as follows:

Sec. 1. Short title; table of contents.

TITLE I—REPEAL OF REDUCED PRICE BREAKFASTS AND
LUNCHES

Sec. 101. Repeal of reduced price breakfasts.

Sec. 102. Repeal of reduced price lunches.

TITLE II—EXPANSION OF FREE LUNCH ELIGIBILITY

Sec. 201. Poverty level for free lunch.

Sec. 202. Direct certification for children receiving Medicaid benefits.

Sec. 203. Retroactive reimbursement.

Sec. 204. Increase of community eligibility program multiplier.

6 **TITLE I—REPEAL OF REDUCED**
7 **PRICE BREAKFASTS AND**
8 **LUNCHES**

9 **SEC. 101. REPEAL OF REDUCED PRICE BREAKFASTS.**

10 (a) IN GENERAL.—Section 4 of the Child Nutrition
11 Act of 1966 (42 U.S.C. 1758) is amended by adding at
12 the end the following:

13 “(f) REPEAL OF REDUCED PRICE BREAKFASTS.—
14 Notwithstanding any other provision of law, the reduced
15 price breakfast program is repealed and the Secretary may
16 not provide reimbursements for reduced price breakfasts
17 under this section.”.

18 (b) CONFORMING AMENDMENTS.—The Child Nutri-
19 tion Act of 1966 (42 U.S.C. 1771 et seq.) is amended—

1 (1) by striking “or reduced price” each place it
2 appears;

3 (2) by striking “for a reduced price” each place
4 it appears;

5 (3) by striking “or at a reduced price” each
6 place it appears;

7 (4) by striking “for reduced price breakfasts”
8 each place it appears; and

9 (5) by striking “and reduced price” each place
10 it appears.

11 (c) FURTHER CONFORMING AMENDMENTS.—Section
12 4(b) of the Child Nutrition Act of 1966 (42 U.S.C.
13 1758(b)) is amended—

14 (1) in paragraph (1)—

15 (A) in subparagraph (B), by striking the
16 second sentence; and

17 (B) by striking subparagraph (C); and

18 (2) in paragraph (2), by striking subparagraph
19 (C).

20 **SEC. 102. REPEAL OF REDUCED PRICE LUNCHES.**

21 (a) IN GENERAL.—The Richard B. Russell National
22 School Lunch Act (42 U.S.C. 1751 et seq.) is amended
23 by adding at the end the following:

1 **“SEC. 30. REPEAL OF REDUCED PRICE LUNCHES.**

2 “Notwithstanding any other provision of law, the re-
3 duced price lunch program is repealed and the Secretary
4 may not provide reimbursements for reduced price lunches
5 under this Act.”.

6 (b) CONFORMING AMENDMENTS.—The Richard B.
7 Russell National School Lunch Act (42 U.S.C. 1751 et
8 seq.) is amended—

9 (1) by striking “or reduced price” each place it
10 appears;

11 (2) by striking “or a reduced price” each place
12 it appears;

13 (3) by striking “or reduced-price” each place it
14 appears;

15 (4) by striking “and reduced price” each place
16 it appears; and

17 (5) by striking “a reduced price” each place it
18 appears.

19 **TITLE II—EXPANSION OF FREE**
20 **LUNCH ELIGIBILITY**

21 **SEC. 201. POVERTY LEVEL FOR FREE LUNCH.**

22 Section 9(b)(1)(A) of the Richard B. Russell Na-
23 tional School Lunch Act (42 U.S.C. 1758(b)(1)(A)) is
24 amended—

25 (1) by striking the third sentence; and

1 (2) by striking “130 percent” and inserting
2 “200 percent”.

3 **SEC. 202. DIRECT CERTIFICATION FOR CHILDREN RECEIV-**
4 **ING MEDICAID BENEFITS.**

5 (a) IN GENERAL.—Section 9(b) of the Richard B.
6 Russell National School Lunch Act (42 U.S.C. 1758(b))
7 is amended—

8 (1) in paragraph (5) by amending to read as
9 follows:

10 “(5) DISCRETIONARY CERTIFICATION.—

11 “(A) FREE LUNCHEES OR BREAKFASTS.—

12 Subject to paragraph (6), any local educational
13 agency may certify any child as eligible for free
14 lunches or breakfasts, without further applica-
15 tion, by directly communicating with the appro-
16 priate State or local agency to obtain docu-
17 mentation of the status of the child as—

18 “(i) a member of a family that is re-
19 ceiving assistance under the temporary as-
20 sistance for needy families program funded
21 under part A of title IV of the Social Secu-
22 rity Act (42 U.S.C. 601 et seq.);

23 “(ii) a homeless child or youth (de-
24 fined as 1 of the individuals described in
25 section 725(2) of the McKinney-Vento

1 Homeless Assistance Act (42 U.S.C.
2 11434a(2));

3 “(iii) served by the runaway and
4 homeless youth grant program established
5 under the Runaway and Homeless Youth
6 Act (42 U.S.C. 5701 et seq.);

7 “(iv) a migratory child (as defined in
8 section 1309 of the Elementary and Sec-
9 ondary Education Act of 1965 (20 U.S.C.
10 6399));

11 “(v) an eligible child (as defined in
12 paragraph (15)(A)); or

13 “(vi)(I) a foster child whose care and
14 placement is the responsibility of an agen-
15 cy that administers a State plan under
16 part B or E of title IV of the Social Secu-
17 rity Act (42 U.S.C. 621 et seq.); or

18 “(II) a foster child who a court has
19 placed with a caretaker household.

20 “(B) AGREEMENTS TO CARRY OUT CER-
21 TIFICATION.—To certify a child under subpara-
22 graph (A)(v), a State agency shall enter into an
23 agreement with 1 or more State agencies con-
24 ducting eligibility determinations for the Med-
25 icaid program.

1 “(C) PROCEDURES.—Subject to paragraph
2 (6), an agreement under subparagraph (B)
3 shall establish procedures under which an eligi-
4 ble child may be certified for free lunches under
5 this Act and free breakfasts under section 4 of
6 the Child Nutrition Act of 1966 (42 U.S.C.
7 1773), without further application (as defined
8 in paragraph (4)(G)).”;

9 (2) in paragraph (6)(A), by striking “or (5)”
10 both places it appears and inserting “(5), or (15)”;
11 and

12 (3) by amending paragraph (15)(A)(i) to read
13 as follows:

14 “(i) ELIGIBLE CHILD.—The term ‘eli-
15 gible child’ means a child—

16 “(I)(aa) who is eligible for and
17 receiving medical assistance under the
18 Medicaid program; and

19 “(bb) who is a member of a fam-
20 ily with an income as measured by the
21 Medicaid program that does not ex-
22 ceed ²⁰⁰~~133~~ percent of the poverty line
23 (as determined under the poverty
24 guidelines updated periodically in the
25 Federal Register by the Department

1 of Health and Human Services under
2 the authority of section 673(2) of the
3 Community Services Block Grant Act
4 (42 U.S.C. 9902(2), including any re-
5 vision required by such section)) ap-
6 plicable to a family of the size used
7 for purposes of determining eligibility
8 for the Medicaid program;

9 “(II) who is eligible for the Med-
10 icaid program because such child re-
11 ceives supplemental security income
12 benefits under title XVI of the Social
13 Security Act (42 U.S.C. 1381–1385)
14 or State supplementary benefits of the
15 type referred to in section 1616(a) of
16 such Act (or payments of the type de-
17 scribed in section 212(a) of Public
18 Law 93–66);

19 “(III) who is eligible for the
20 Medicaid program because such child
21 receives an adoption assistance pay-
22 ment made under section 473(a) of
23 the Social Security Act (42 U.S.C.
24 673(a)) or under a similar State-fund-

1 ed or State-operated program, as de-
2 termined by the Secretary;

3 “(IV) who is eligible for the Med-
4 icaid program because such child re-
5 ceives a kinship guardianship assist-
6 ance payment made under section
7 473(d) of the Social Security Act (42
8 U.S.C. 673(d)) or under a similar
9 State-funded or State-operated pro-
10 gram, as determined by the Secretary,
11 without regard to whether such child
12 was previously in foster care; or

13 “(V) who is a member of a
14 household (as that term is defined in
15 section 245.2 of title 7, Code of Fed-
16 eral Regulations (or successor regula-
17 tions)) with a child described in sub-
18 clause (I), (II), (III), or (IV).”.

19 (b) APPLICABILITY.—The amendments made by this
20 section shall apply with respect to school years beginning
21 on or after July 1, 2023.

22 **SEC. 203. RETROACTIVE REIMBURSEMENT.**

23 Section 9(b)(9)(C) of the Richard B. Russell National
24 School Lunch Act (42 U.S.C. 1758(b)(9)(C)) is amend-
25 ed—

1 (1) by striking “Except” and inserting the fol-
2 lowing:

3 “(i) IN GENERAL.—Except”;

4 (2) by redesignating clauses (i) and (ii) as sub-
5 clauses (I) and (II); and

6 (3) by adding at the end the following:

7 “(ii) RETROACTIVITY.—A local edu-
8 cational agency shall revise a previously
9 submitted meal claim to reflect the eligi-
10 bility approval of a child for free meals for
11 the period that begins on the first day of
12 the current school year.

13 “(iii) MEAL CLAIM DEFINED.—In this
14 subsection, the term ‘meal claim’ means
15 any documentation provided by a school
16 food authority to a State agency in order
17 to receive reimbursement for the cost of a
18 meal served to a child by such school food
19 authority.”.

20 **SEC. 204. INCREASE OF COMMUNITY ELIGIBILITY PRO-**
21 **GRAM MULTIPLIER.**

22 Section 11(a)(1)(F) of the Richard B. Russell Na-
23 tional School Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is
24 amended by striking clause (vii) and inserting the fol-
25 lowing:

1 “(vii) MULTIPLIER.—For each school
2 year beginning on or after July 1, 2023,
3 the multiplier shall be 2.5.”.